

ASSEMBLY BILL

No. 578

Introduced by Assembly Member Hill

February 16, 2011

An act to add Section 8690.8 to the Government Code, relating to disaster assistance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 578, as introduced, Hill. Disaster assistance: emergencies.

Existing law establishes the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties, and continuously appropriates moneys in the account for allocation by the Director of Finance to state agencies for qualifying disaster response operation costs for specified activities.

This bill would establish the Debris Removal Account in the Special Fund for Economic Uncertainties, and would continuously appropriate moneys in the account for allocation by the Director of Finance to the Department of Resources Recycling and Recovery for qualifying debris removal service costs incurred as a result of a proclamation by the Governor of a state of emergency.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8690.8 is added to the Government Code,
- 2 to read:
- 3 8690.8. (a) The Debris Removal Account is hereby established
- 4 in the Special Fund for Economic Uncertainties. Notwithstanding

1 Section 13340, moneys in the account are continuously
2 appropriated, subject to the limitations specified in subdivisions
3 (c) and (d), without regard to fiscal years, for allocation by the
4 Director of Finance to the Department of Resources Recycling
5 and Recovery for debris removal services costs incurred as a result
6 of a proclamation by the Governor of a state of emergency, as
7 defined in subdivision (b) of Section 8558. These allocations may
8 be for activities that occur within 120 days after a proclamation
9 of emergency by the Governor. The department shall receive funds
10 under this section only if all of the criteria set out below are met:

11 (1) A proclamation by the Governor of a state of emergency,
12 as defined in subdivision (b) of Section 8558, specifically tasks
13 the department to render services and perform duties related to
14 debris removal as part of an emergency recovery effort.

15 (2) A local emergency, as defined in subdivision (c) of Section
16 8558, is proclaimed by the governing body of the city, county, or
17 city and county, or by an official so designated by ordinance
18 adopted by the governing body to issue the proclamation.

19 (3) The local governing body requests the assistance of the
20 department.

21 (b) The Debris Removal Account shall have an unencumbered
22 balance of one million dollars (\$1,000,000) at the beginning of
23 each fiscal year. If this account requires additional moneys to meet
24 claims against the account, the Director of Finance may transfer
25 moneys from the Special Fund for Economic Uncertainties to the
26 account in an amount sufficient to pay the amount of the claims
27 that exceed the unencumbered balance in the account.

28 (c) Funds shall be allocated from the account subject to the
29 conditions of this section and upon notification by the Director of
30 Finance to the Chairperson of the Joint Legislative Budget
31 Committee and the chairpersons of the fiscal committees in each
32 house.

33 (d) Notwithstanding any other law, authorizations for
34 acquisitions, relocations, and environmental mitigations related to
35 activities, as described in subdivision (a), shall be authorized
36 pursuant to this section. However, these funds shall be authorized
37 only for needs that are a direct consequence of the proclaimed
38 emergency if failure to undertake the project may interrupt essential
39 state services or jeopardize public health or safety. In addition,
40 any acquisition accomplished under this subdivision shall comply

1 with any otherwise applicable law, except as provided in the first
2 sentence of this subdivision.

3 (e) Funds allocated under this section shall not be used to
4 supplant federal funds otherwise available in the absence of state
5 financial relief.

6 (f) The amount of financial assistance provided to an individual,
7 business, or governmental entity under this section, or pursuant to
8 any other program of state-funded disaster assistance, shall be
9 deducted from sums received in payment of damage claims asserted
10 by the individual, business, or governmental entity against the
11 state, its agents, or employees, for causing or contributing to the
12 effects of the proclaimed disaster.

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